

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
9.12.18

BILL 5

LLS NO. 19-0230.02 Conrad Imel x2313

INTERIM COMMITTEE BILL

Opioid and Other Substance Use Disorders Study Committee

BILL TOPIC: "Substance Use Disorder Treatment in Crim Jus Sys"

A BILL FOR AN ACT

101 **CONCERNING TREATMENT OF INDIVIDUALS WITH SUBSTANCE USE**
102 **DISORDERS WHO COME INTO CONTACT WITH THE CRIMINAL**
103 **JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Opioid and Other Substance Use Disorders Study Committee.
Section 1 of the bill contains a legislative declaration that the substance abuse trend and response task force should formulate a response to

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

current and emerging substance abuse problems from the criminal justice, prevention, and treatment sectors that includes the use of drop-off treatment services as an alternative to entry into the criminal justice system for offenders of low-level drug offenses.

Section 2 requires jails that receive funding through the jail-based behavioral health services program to provide medication-assisted treatment to individuals in the jail.

Section 3 clarifies that it is the general assembly's intent that the black market marijuana interdiction unit also investigate black market opioid operations.

Section 4 provides an appropriation, including for the following programs funded through the long appropriations act:

- Increasing from 4 to 10 the number of the law enforcement assisted diversion pilot programs; and
- Increasing coresponder funding for criminal justice diversion pilot programs in the office of behavioral health in the department of human services.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 18-18.5-101, **amend** (3)(b) as follows:

18-18.5-101. Legislative declaration. (3) The general assembly, therefore, determines and declares that it is necessary to change the state methamphetamine task force into a substance abuse trend and response task force to:

(b) Formulate a response to current and emerging substance abuse USE DISORDER problems from the criminal justice, prevention, and treatment sectors, INCLUDING THE USE OF DROP-OFF TREATMENT SERVICES RATHER THAN CONTINUED CRIMINAL JUSTICE INVOLVEMENT FOR OFFENDERS OF LOW-LEVEL DRUG OFFENSES; and

SECTION 2. In Colorado Revised Statutes, 27-60-106, **add** (5) as follows:

27-60-106. Jail-based behavioral health services program - purpose - created - funding. (5) THE OFFICE SHALL REQUIRE A COUNTY

1 JAIL THAT RECEIVES FUNDING THROUGH THE PROGRAM TO PROVIDE AS
2 NECESSARY MEDICATION-ASSISTED TREATMENT, AS IT IS DEFINED IN
3 SECTION 23-21-803, TO INDIVIDUALS CONFINED IN THE COUNTY JAIL.

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

SECTION 3. Appropriation to the department of public safety for the fiscal year beginning July 1, 2018. In Session Laws of Colorado 2018, section 2 of chapter 424, (HB 18-1322), **add** footnote 101a to Part XVII (5)(C) as follows:

Section 2. **Appropriation.**

PART XVII

DEPARTMENT OF PUBLIC SAFETY

(5) COLORADO BUREAU OF INVESTIGATION

(C) Laboratory and Investigative Services

SERVICES^{101a}

Personal Services	12,852,693	9,885,804	2,268,165 ^a	698,724 ^b
		(137.1 FTE)	(11.8 FTE)	(7.0 FTE)
Operating Expenses	6,691,961	4,893,613	1,654,571 ^a	143,777 ^c
Overtime	125,000	125,000		
Complex Financial Fraud				
Unit	653,345		653,345 ^d	

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		APPROPRIATION FROM				
ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(7.0 FTE)						
Lease/Lease Purchase						
Equipment	439,196	439,196				
	20,762,195					
 ^a Of these amounts, \$1,490,987 shall be from the State Toxicology Laboratory Fund created in Section 24-33.5-428 (2)(a), C.R.S., \$1,200,159 shall be from the Offender Identification Fund created in Section 24-33.5-415.6 (1), C.R.S., \$931,590 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S., and \$300,000 shall be from the Law Enforcement Assistance Fund created in Section 43-4-401, C.R.S.						
^b This amount shall be transferred from Limited Gaming funds appropriated to the Department of Revenue.						
^c Of this amount, \$105,449 shall be transferred from Limited Gaming funds appropriated to the Department of Revenue, \$20,000 shall be transferred from the CBI Grants & Donation Fund created in Section 24-33.5-427, C.R.S.,, and \$18,328 shall be transferred from the Division of Criminal Justice, Victims Assistance Sub-program.						
^d This amount shall be from the Colorado Identity Theft and Financial Fraud Cash Fund created in Section 24-33.5-1707 (1)(a), C.R.S.						
TOTALS PART XVII						
(PUBLIC SAFETY)	\$504,900,184	\$182,586,685 ^a		\$209,166,181 ^b	\$43,308,702 ^c	\$69,838,616 ^d

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM					FEDERAL FUNDS
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS		
\$	\$	\$	\$	\$	\$	\$	

^a Of this amount, \$1,564,133 is excluded from the calculation of the required General Fund reserve, pursuant to Section 24-75-201.1 (2) (b), C.R.S.

^b Of this amount, \$155,541,518 is from the Highway Users Tax Fund created in Section 43-4-201 (1)(a), C.R.S., and appropriated pursuant to Section 43-4-201 (3)(a)(I)(C), C.R.S., and \$6,289,163 contains an (I) notation.

^c Of this amount, \$3,980,163 contains an (I) notation.

^d This amount contains an (I) notation.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

101a IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE BLACK MARKET MARIJUANA INTERDICTION UNIT FUNDED IN THIS SECTION ALSO INVESTIGATE BLACK MARKET OPIOID OPERATIONS.

1 **SECTION 4. Appropriation.** (1) For the 2019-20 state fiscal
2 year, \$1,700,000 is appropriated to the department of human services for
3 use by the office of behavioral health. This appropriation is from the
4 general fund. To implement this act, the office may use this appropriation
5 for jail-based behavioral health services.

6 (2) For the 2019-20 state fiscal year, \$3,450,000 is appropriated
7 to the department of human services for use by the office of behavioral
8 health. This appropriation is from the general fund. To implement this act,
9 the office may use this appropriation for criminal justice diversion
10 programs.

11 (3) For the 2019-20 state fiscal year, \$1,450,000 is appropriated
12 to the department of human services for use by the office of behavioral
13 health. This appropriation is from the general fund. To implement this act,
14 the office may use this appropriation for criminal justice diversion
15 programs.

16 **SECTION 5. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2020 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.